

AMENDED IN SENATE JULY 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1477**

**Introduced by Assembly Member Hertzberg**

February 23, 2001

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An act to add Article 6.6 (commencing with Section 53126) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Sections 41020, 41030, 41031, 41032, 41135, and 41136 of, and to add Sections 41033, 41135.5, and 41136.5 to, the Revenue and Taxation Code, relating to public safety services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1477, as amended, Hertzberg. State nonemergency telephone number system.

Existing law requires local public safety agencies to maintain, in addition to a “911” emergency telephone number, a separate number for nonemergency calls. Existing law also sets forth the duties of the Division of Telecommunications of the Department of General Services in providing management oversight of statewide telecommunications systems developments, among other things.

This bill would authorize every local public agency, as defined, to establish a nonemergency telephone system and would designate the digits “311” as the primary nonemergency telephone number within the system. It would require the Division of Telecommunications of the Department of General Services to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of systems authorized by this bill and that will increase cooperation among public agencies. It would authorize the

Attorney General, on behalf of the Division of Telecommunications or on his or her own initiative, to commence judicial proceedings to enforce compliance by any local public agency or public utility providing telephone service with the provisions of this bill.

Existing law imposes a surcharge on amounts paid by every person in the state for intrastate telephone communication service in this state to fund the “911” emergency telephone number system.

This bill would increase this surcharge imposed on amounts paid by every person who subscribes to intrastate telephone communication service within the jurisdiction of a local public agency that elects to implement a “311” nonemergency telephone system to fund the Nonemergency Telephone System established pursuant to this bill. It would require the Department of General Services to determine annually, on or before September 1, each increase needed in the surcharge rate that it estimates will produce sufficient revenue to fund the current fiscal year’s “311” costs for each local public agency with an approved application for a “311” nonemergency telephone system.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3 (a) The “911” emergency response system is inundated by  
4 calls from people calling to complain about nonemergency  
5 situations.

6 (b) Estimates of nonemergency calls to the “911” system range  
7 from 70 to 90 percent of the total number of calls.

8 (c) These calls delay the delivery of emergency services.

9 (d) The availability of a “311” nonemergency telephone  
10 number will reduce the number of these calls to the “911” system,  
11 thus improving emergency response times.

12 SEC. 2. Article 6.6 (commencing with Section 53126) is  
13 added to Chapter 1 of Part 1 of Division 2 of Title 5 of the  
14 Government Code, to read:  
15



Article 6.6. State Nonemergency Telephone System

53126. Every local public agency may establish a nonemergency telephone system as provided in this article. The digits “311” shall be the primary nonemergency telephone number within the system. Nonemergency “311” telephone systems shall be designed to provide a system similar to a “911” selective routing system, whereby the location of the initial call is determined to provide a coordinated uniform delivery system to meet the specified requirements of each local jurisdiction. Every system shall be designed to allow the handling of emergency calls by the “911” emergency telephone system.

53126.5. For purposes of this article, the following definitions apply:

(a) “Division of Telecommunications” means the Division of Telecommunications of the Department of General Services.

(b) “Local public agency” means a city, county, city and county, and joint powers authority that provides a public safety answering point (PSAP).

(c) “Nonemergency telephone system” means a system structured to provide access to only public safety agencies such as police and fire, or a system structured to provide access to public safety agencies and to all other services provided by a jurisdiction such as street maintenance and animal control.

53127. The Division of Telecommunications shall aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of systems authorized by this article and increase cooperation among public agencies.

~~53127.5. Technical and operational standards for the development of the coordinated “311” system shall be established, with the input of local public agencies, and reviewed by the Division of Telecommunications on or before January 1, 2003. A local public agency may notify the affected county or counties and the Division of Telecommunications by January 1, 2006, of its intent to establish a “311” nonemergency telephone system. In the event that a local public agency does not notify the affected county or counties and the Division of Telecommunications by January 31, 2006, of its intent to provide a “311” nonemergency telephone system, a county may, using the local public agency’s existing public safety answering point~~

1 ~~(PSAP)~~ 2003. Until January 1, 2006, a city or joint powers  
2 authority that provides a PSAP shall have the exclusive authority  
3 to propose a “311” system. A city or joint powers authority  
4 proposing a “311” system shall promptly notify the affected county  
5 or counties and the Division of Telecommunications of a proposal.  
6 If a city or joint powers authority that provides a PSAP does not  
7 propose a “311” system by January 1, 2006, a county may, using  
8 the local agency’s existing PSAP, establish a “311” nonemergency  
9 telephone system to serve those entities for which there is no stated  
10 intent to provide a “311” nonemergency telephone system. On or  
11 before July 1, 2005, and each even-numbered year thereafter, the  
12 Division of Telecommunications shall review, with the input of  
13 local public agencies, and update technical and operational  
14 standards for public agency systems.

15 53128. (a) The Division of Telecommunications shall review  
16 each plan submitted by a local public agency to ensure that it  
17 conforms to the minimum standards established pursuant to  
18 Section 53127.5. If any plan does not comply, the Division of  
19 Telecommunications shall, within 90 days of receipt of a plan,  
20 notify the submitting local public agency of the plan’s deficiencies  
21 in writing. A plan determined by the Division of  
22 Telecommunications to be in conformance with the minimum  
23 standards established pursuant to Section 53127.5 shall be  
24 approved by the division.

25 (b) Each local public agency that receives a notice of deficiency  
26 from the Division of Telecommunications shall submit a final plan  
27 within six months following the receipt of the identified  
28 deficiencies. The final plan shall be submitted to the Division of  
29 Telecommunications and shall identify all planning,  
30 implementation, installation, and operating costs the local public  
31 agency feels necessary to implement the system authorized by this  
32 article.

33 (c) The Division of Telecommunications shall monitor all  
34 nonemergency “311” telephone systems to ensure that they  
35 comply with minimal operational and technical standards as  
36 established by the division. If any system does not comply, the  
37 Division of Telecommunications shall notify in writing the local  
38 public agency operating the system of its deficiencies. The local  
39 public agency shall bring the system into compliance with the  
40 operational and technical standards within 90 days of notice by the

1 division. Failure to comply within this time period shall subject the  
2 local public agency to action by the Attorney General pursuant to  
3 Section 53129.

4 53129. The Attorney General may, on behalf of the Division  
5 of Telecommunications or on his or her own initiative, commence  
6 judicial proceedings to enforce compliance by any local public  
7 agency or public utility providing telephone service with the  
8 provisions of this article.

9 53129.5. No later than February 1, 2002, the Division of  
10 Telecommunications shall notify each county in the state of the  
11 availability of the “311” nonemergency telephone system.

12 SEC. 3. Section 41020 of the Revenue and Taxation Code is  
13 amended to read:

14 41020. (a) A surcharge is hereby imposed on amounts paid  
15 by every person in the state for intrastate telephone  
16 communication service in this state commencing on July 1, 1977.

17 The surcharge imposed shall be at the rate of one-half of 1  
18 percent of the charges made for the services to and including  
19 November 1, 1982, at a rate fixed pursuant to Article 2  
20 (commencing with Section 41030) thereafter.

21 (b) The surcharge shall be increased in order to fund the State  
22 Nonemergency Telephone System established by Article 6.6  
23 (commencing with Section 53126) of Chapter 1 of Part 1 of  
24 Division 6 of Title 5 of the Government Code. The increase shall  
25 be imposed on amounts paid by every person within the  
26 jurisdiction of a participating local public agency, whose  
27 application for a “311” nonemergency telephone system is filed  
28 pursuant to subdivision (a) of Section 53128 of the Government  
29 Code.

30 (c) The surcharge shall be paid by the service user as hereinafter  
31 provided.

32 SEC. 4. Section 41030 of the Revenue and Taxation Code is  
33 amended to read:

34 41030. (a) The Department of General Services shall  
35 determine annually, on or before September 1, a surcharge rate that  
36 it estimates will produce sufficient revenue to fund the current  
37 fiscal year’s ~~911~~ “911” costs. The surcharge rate shall be  
38 determined by dividing the costs, including incremental costs, that  
39 the Department of General Services estimates for the current fiscal  
40 year of ~~911~~ “911” plans approved pursuant to Section 53115 of the

1 Government Code, less the available balance in the State  
2 Emergency Telephone Number Account in the General Fund, by  
3 its estimate of the charges for intrastate telephone communications  
4 services to which the surcharge will apply for the period of  
5 November 1 of the current calendar year to October 31 of the next  
6 succeeding calendar year, but in no event shall the surcharge rate  
7 in any year be greater than three-quarters of 1 percent nor less than  
8 one-half of 1 percent.

9 (b) The Department of General Services shall determine  
10 annually, on or before September 1, each increase needed in the  
11 surcharge rate that it estimates will produce sufficient revenue to  
12 fund the current fiscal year's "311" costs for each local public  
13 agency whose application for a "311" nonemergency telephone  
14 system is approved pursuant to Section 53128 of the Government  
15 Code. The increases shall be determined by dividing the costs,  
16 including incremental costs, that the Department of General  
17 Services estimates for the current fiscal year for "311" plans  
18 approved pursuant to Section 53128 of the Government Code, less  
19 the available balance in the State Nonemergency Telephone  
20 Number Account in the General Fund, by its estimate of the  
21 charges for intrastate telephone communications services within  
22 the local public agencies to which the surcharge will apply for the  
23 period of November 1 of the current calendar year to October 31  
24 of the next succeeding calendar year. The increase in the surcharge  
25 rate pursuant to this subdivision shall not exceed ~~one-half~~  
26 *one-quarter* of 1 percent and shall be applied uniformly to amounts  
27 paid by every person who subscribes to intrastate telephone  
28 communication service within the jurisdiction of those local  
29 public agencies that elect to implement a "311" nonemergency  
30 telephone system consistent with the standards established by the  
31 Division of Telecommunications pursuant to Section 53127.5 of  
32 the Government Code. No increase in the surcharge rate made  
33 pursuant to this subdivision shall be considered in determining  
34 whether the surcharge rate described in subdivision (a) is greater  
35 than three-quarters of 1 percent.

36 SEC. 5. Section 41031 of the Revenue and Taxation Code is  
37 amended to read:

38 41031. The Department of General Services shall make its  
39 determination of the surcharge rate and the increases required by  
40 subdivision (b) of Section 41030 each year no later than September

1 1 and shall notify the board of the new rate, which shall be fixed  
2 by the board to be effective with respect to charges made for  
3 intrastate telephone communication services on or after November  
4 1 of each year.

5 SEC. 6. Section 41032 of the Revenue and Taxation Code is  
6 amended to read:

7 41032. Immediately upon notification by the Department of  
8 General Services and fixing the surcharge rate and the increases  
9 required by subdivision (b) of Section 41030, the board shall each  
10 year no later than September 15 publish in its minutes the new rate  
11 and the increases, and it shall notify by mail every service supplier  
12 registered with it of the new rate.

13 SEC. 7. Section 41033 is added to the Revenue and Taxation  
14 Code, to read:

15 41033. The funds generated by the surcharge rate imposed by  
16 subdivision (a) of Section 41030 shall not be used to fund “311”  
17 nonemergency telephone systems nor shall the increases required  
18 by subdivision (b) of Section 41030 be used to fund the “911”  
19 emergency telephone system.

20 SEC. 8. Section 41135 of the Revenue and Taxation Code is  
21 amended to read:

22 41135. All amounts required to be paid to the state under this  
23 part relating to the State Emergency Telephone System shall be  
24 paid to the board in the form of remittances payable to the State  
25 Board of Equalization of the State of California. The board shall  
26 transmit the payments to the State Treasurer to be deposited in the  
27 State Treasury to the credit of the State Emergency Telephone  
28 Number Account in the General Fund, which is hereby created.

29 SEC. 9. Section 41135.5 is added to the Revenue and Taxation  
30 Code, to read:

31 41135.5. All amounts required to be paid to the state under  
32 this part relating to the State Nonemergency Telephone System  
33 shall be paid to the board in the form of remittances payable to the  
34 State Board of Equalization of the State of California. The board  
35 shall transit the payments to the State Treasurer to be deposited in  
36 the State Treasury to the credit of the State Nonemergency  
37 Telephone Number Account in the General Fund, which is hereby  
38 created.

39 SEC. 10. Section 41136 of the Revenue and Taxation Code is  
40 amended to read:



1 41136. Funds in the State Emergency Telephone Number  
2 Account shall, when appropriated by the Legislature, be spent  
3 solely for the following purposes relating to the State Emergency  
4 Telephone System:

5 (a) To pay refunds authorized by this part.

6 (b) To pay the State Board of Equalization for the cost of the  
7 administration of this part.

8 (c) To pay the Department of General Services for its costs in  
9 administration of the “911” emergency telephone number system.

10 (d) To pay bills submitted to the Department of General  
11 Services by service suppliers or communications equipment  
12 companies for the installation of, and ongoing expenses for, the  
13 following communications services supplied to local agencies in  
14 connection with the “911” emergency phone number system:

15 (1) A basic system.

16 (2) A basic system with telephone central office identification.

17 (3) A system employing automatic call routing.

18 (4) Approved incremental costs.

19 (e) To pay claims of local agencies for approved incremental  
20 costs, not previously compensated for by another governmental  
21 agency.

22 (f) To pay claims of local agencies for incremental costs and  
23 amounts, not previously compensated for by another  
24 governmental agency, incurred prior to the effective date of this  
25 part, for the installation and ongoing expenses for the following  
26 communication services supplied in connection with the “911”  
27 emergency phone number system:

28 (1) A basic system.

29 (2) A basic system with telephone central office identification.

30 (3) A system employing automatic call routing.

31 (4) Approved incremental costs. Incremental costs shall not be  
32 allowed unless the costs are concurred in by the Division of  
33 Telecommunications of the Department of General Services.

34 (g) To pay the Division of Telecommunications of the  
35 Department of General Services for the costs associated with the  
36 pilot program authorized by Article 6.5 (commencing with  
37 Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of  
38 the Government Code.

39 SEC. 11. Section 41136.5 is added to the Revenue and  
40 Taxation Code, to read:



1 41136.5. Funds in the State Nonemergency Telephone  
2 Number Account, when appropriated by the Legislature, shall be  
3 spent solely for the following purposes relating to the State  
4 Nonemergency Telephone System:

5 (a) To pay refunds authorized by this part.

6 (b) To pay the State Board of Equalization for the cost of  
7 administration of “311” nonemergency telephone number  
8 systems.

9 (c) To pay the Department of General Services for its costs to  
10 establish technical and operational standards for “311”  
11 nonemergency telephone number systems.

12 (d) To pay the Department of General Services for its costs of  
13 the administration of “311” nonemergency telephone number  
14 systems.

15 (e) To pay bills submitted to the Department of General  
16 Services by service suppliers or communications equipment  
17 companies for the installation of, and ongoing expenses for, the  
18 following communications services supplied to local public  
19 agencies, in connection with the “311” nonemergency telephone  
20 number systems:

21 (1) A basic system, including the countywide “311”  
22 nonemergency telephone number systems.

23 (2) A basic system with telephone central office identification.

24 (3) A system employing automatic call routing.

25 (4) Approved incremental costs.

26 (f) To pay claims of local public agencies for approved  
27 incremental costs that have not been previously compensated for  
28 by another governmental agency.

29 (g) To pay bills submitted to the Department of General  
30 Services by service suppliers for incremental costs associated with  
31 collection of the increased surcharge provided for in subdivision  
32 (b) of Section 41020 that are not in conformance with the regular  
33 billing procedures of a particular service supplier.